

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

RICHARD CADWALLADER,

Plaintiff,

v.

Case No. 09-cv-10935

Hon. Anna Diggs Taylor

Magistrate Judge Charles E. Binder

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION AND REMANDING TO COMMISSIONER**  
(Docket Entry 18)

This matter is before the court on Magistrate Judge Charles E. Binder's Report and Recommendation of December 1, 2009, recommending that Plaintiff's Motion for Summary Judgment be granted and Defendant's Motion for Summary Judgment be denied.

The court has reviewed the file, Defendant's Objection, and the Magistrate Judge's Report and Recommendation. The court finds that the law cited by the Magistrate has been correctly placed and is controlling in this matter.

THEREFORE, the court will accept the Magistrate's Report and Recommendation of December 1, 2009, as the findings and conclusions of this court.

Accordingly,

IT IS HEREBY ORDERED that Magistrate Judge Binder's Report and Recommendation of December 1, 2009, is ACCEPTED and ADOPTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Summary Judgment (D/E 13) is **GRANTED** and Defendant's Motion for Summary Judgment (D/E 16) is **DENIED**, and the decision of the Commissioner is REVERSED. *Pursuant to sentence four of 42 U.S.C. § 405(g), this matter is hereby REMANDED to the Commissioner of Social Security for further proceedings consistent with the Report and Recommendation.*

**IT IS SO ORDERED.**

DATED: February 4, 2010

s/Anna Diggs Taylor

ANNA DIGGS TAYLOR

UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on February 4, 2010.

s/Johnetta M. Curry-Williams  
Case Manager